

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PERCY LEE RHODES,) Case No.: 1:21-cv-0942 JLT CDB
Plaintiff,)
v.) ORDER ADOPTING FINDINGS AND
JOSEPH RUIZ, et al.,) RECOMMENDATIONS TO DISMISS CERTAIN
Defendants.) CLAIMS AND DEFENDANTS
) (Doc. 12)
)
)
)

Percy Lee Rhodes is a former pretrial detainee and seeks to hold several individuals liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. The assigned magistrate reviewed the allegations of Plaintiff's complaint and determined Plaintiff found Plaintiff failed to state cognizable claims against defendants Blair, Curran Freitas, A. Huron, M. Padilla, and B. Ward. However, the magistrate judge also found Plaintiff stated cognizable claims for: (1) deliberate indifference to serious medical needs against Defendants Ruiz, Lightner and McComas and (2) access to courts against Defendant Cortez. (Doc. 9.) On December 23, 2022, Plaintiff filed a response to the screening order in which he indicated that he was willing to proceed only on the claims found cognizable. (Doc. 10.)

On January 4, 2023, the magistrate judge issued Findings and Recommendations, recommending: (1) dismissal of defendants Blair, Curran, W. Freitas, A. Huron, M. Padilla, and B. Ward; and (2) that the action proceed on Plaintiff's claims for deliberate indifference to serious medical needs against Defendants Ruiz, Lightner and McComas and access to courts claim against

1 Defendant Cortez. (Doc. 12.) Plaintiff was granted 14 days to file any objections. (*Id.* at 2.) To date,
2 no objections have been filed, and the time to do so has expired.

3 In accordance with 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this
4 case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
5 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on January 4, 2023 (Doc. 12) are
7 **ADOPTED** in full.
- 8 2. Defendants Blair, Curran, W. Freitas, A. Huron, M. Padilla, and B. Ward are
9 **DISMISSED**.
- 10 3. The Clerk of Court is directed to update the docket and terminate Blair, Curran, W.
11 Freitas, A. Huron, M. Padilla, and B. Ward as defendants.
- 12 4. The action **SHALL** proceed on Plaintiff's deliberate indifference to serious medical
13 needs claims against Defendants Ruiz, Lightner and McComas, and access to courts
14 claim against Defendant Cortez, only. All other claims are dismissed.
- 15 5. The matter is referred to the assigned magistrate judge for further proceedings.

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17 IT IS SO ORDERED.

18 Dated: January 26, 2023


UNITED STATES DISTRICT JUDGE